United States Department of the Interior

BUREAU OF RECLAMATION
Central California Area Office
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IN REPLY REFER TO:
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Mr. Patrick Morris
Regional Water Quality Control Board
11020 Sun Center Drive, Suite #200
Rancho Cordova, California 95670

Subject: Comments on the Public Workshop and California Environmental Quality Act Scoping Meeting for the Mercury Control Program for the Lower American River (LAR) and Lake Natoma, Held July 8, 2010 at the Central Valley Regional Water Quality Control Board

The Bureau of Reclamation, Central California Area Office would like to thank the Central Valley Regional Water Quality Control Board (Board) for the opportunity to participate and comment on the development of a mercury control program for the LAR and Lake Natoma. Reclamation recognizes the Board is in the early stages of developing this program and appreciates the opportunity to provide comments as your agency gathers the necessary information to develop this total maximum daily load. The general comments are listed below, while specific comments are included in the enclosure.

- Reclamation must conduct flood control operations in accordance with the mandates of other agencies such as the U.S. Army Corp of Engineers, and does not have the sole discretion to deviate from these criteria.

- Reclamation must operate its facilities in accordance with the terms and conditions of its water permits and licenses. To operate the Central Valley Project (CVP) in a manner to meet the methylmercury standard may result in violations of these terms and conditions.

- Reclamation operates the CVP to provide fishery flows in accordance to the CVP Improvement Act which was established by Congress. These flows are determined by other agencies such as the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

We look forward to working with your staff to address these concerns. If you have any questions, please contact Mr. Pete Vonich, Natural Resources Specialist, at 916-989-7265 or pvonich@usbr.gov.

Sincerely,

Dan Nelto

ACTING FOR

Michael R. Finnegan
Area Manager

Enclosure

Reclamation Comments on the Public Workshop and California Environmental Quality Act (CEQA) Scoping Meeting for the Mercury Control Program for the Lower American River (LAR) and Lake Natoma, Held July 8, 2010

Slide #7 – Total Maximum Daily Limit (TMDL) Elements

The numeric target and linkage analysis are crucial elements of the TMDL and should be based on the most current and robust dataset for the project area. Although the Central Valley Regional Water Quality Control Board (Board) just completed a similar TMDL for the Delta, the Board needs to recognize the differences between the two project area and that information from the Delta program may not be transferable to the LAR and Lake Natoma.

In determining the protection of beneficial uses for this TMDL, the Board needs to consider the likelihood of competing beneficial uses and the potential for tradeoffs. Reservoirs are operated to meet multiple uses such as flood control protection, in-stream flows, and temperature. An overly restrictive TMDL may prevent our agency from meeting some of these requirements.

The source analysis should examine a breadth of reasonable and controllable factors to manage methylmercury. In addition to looking at inorganic mercury load reductions, there are other variables that contribute to the methylization of mercury such as pH or sulfate concentrations. These other variables may offer a more economical and feasible control alternative.

Slide #14 & 15 – Extent of Impairment

The consumption advisory issued by the California Office of Environmental Health/Hazard Assessment for Lake Natoma and Folsom Reservoir includes Chinook salmon under the "do not eat" category. Using tissue data from anadromous species would not accurately portray the methylmercury impairment for the project area.

As the Board contemplates setting a standard to provide an appropriate level of protection for humans and wildlife, it will also be crucial to examine data for mercury blood levels of wild life that feed in the project area.

Slide #16 – Possible Sources of Inorganic Mercury

Folsom Reservoir should not be listed as a source of inorganic mercury as it does not increase the "load" of mercury. Unless there is sufficient data from reservoir monitoring and incoming tributaries to show otherwise, Folsom Reservoir should not be characterized as a source of inorganic mercury.

Slide #17 – Possible Sources of Methylmercury

Folsom Reservoir should not be listed as a source of methylmercury as unless there is sufficient data from reservoir monitoring and incoming tributaries to show otherwise. Folsom Reservoir should not be characterized as a methylization site or a discharger.

Slide # 19 – CEQA Checklist

Development of the LAR and Lake Natoma TMDL could impact several categories on the CEQA checklist. The LAR has a temperature requirement for fisheries near Watt Avenue; the upstream reservoir has flood control operations protocols established by the U.S. Army Corp of Engineers; and any TMDL implementation actions that include modifying water management operations of the upstream reservoir will impact hydropower generation.

Slide #22 – Possible Numeric Fish Tissue Objectives for MethylMercury

As the Board develops a numeric fish tissue objective for methylmercury in the LAR and Lake Natoma, data should reflect the conditions and practices of the project area. The fish consumption pattern in this project area will not mirror that of the Delta and the wildlife in this project area will also be of a different composition.

The various potential numeric objectives will have dramatic economic implications. A thorough economic analysis is needed to fully evaluate all impacted sectors.

Slide #25 – Possible Implementation Actions

There are multiple-uses, demands, and regulatory requirements driving the operations of Folsom Reservoir that could be significantly impacted depending upon the nature of operational changes that might be considered. Any assumptions, analyses, or proposed changes to reservoir operations should be closely coordinated with Bureau of Reclamation to avoid any conflicts with existing requirements.